IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 787 of 1996

Between:

Smt. Maharunnisa W/o Yakub
R/o Chennaraopet (V) & (M), Warangal Dist.

..... PETITIONER

AND

1 The Industraial Tribunal-cum-Labour Court,
Warangal
2 The Mandal Primary Health Centre, rep. by its Medical Officer,
Chennaraopet, Warangal

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to To pass an order or issue a writ particularly one in the nature of Writ of Certiorari quashing the Award dt: 23-9-1995 in I.D.No.64/1994 to the extent of not granting reinstatement with all consequential benefits after calling for the records on the File of the Industrial Tribunal-cum-Labour, Warangal and consequently to direct the 2nd respondent to reinstate the Petitioner into service with full back wages and all other attending benefits including continuity of service.

Counsel for the Petitioner: MR.B.G.RAVINDRA REDDY

Counsel for the Respondent No.1 & 2: Government Pleader for Labour

The Court made the following :

:: ORAL ORDER ::

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Heard the learned counsel for the petitioner and the learned Government Pleader for Labour.

The writ petition is directed against the Award of the Industrial Tribunal-cum-Labour Court, Warangal, dated 23.9.1995 in ID No. 64/94.

The petitioner filed the ID u/Sec. 2-A(2) of the Industrial Disputes Act, 1947 contending that she was appointed as Sweeper in the Mandal PHC, Chennaraopet, on daily wage basis and has been working as such since 1986 and on a consolidated pay of Rs.200/-pm, w.e.f. 1.3.1990. On 20.8.1993 the S.H.O., Khanapur, allegedly implicated the petitioner in some false cases and kept her in illegal custody for 20 days. After she was released, there being no case against her, she reported to duty before the employer. But he refused to take her into duty. Assailing this refusal of the employer to take her back to duty the ID was filed.

The learned Labour Court correctly came to the conclusion that there was no termination of service of the petitioner involved, that the petitioner had abstained from work on her own accord and therefore the case does not fall to be considered u/Sec. 2A(2) of the ID Act. However, in view of the fact that the D.M.H.O. had directed the 2nd respondent herein by letter dt 11.11.1993 to admit the petitioner to duty, the Labour Court awarded wages of three months as compensation to the petitioner.

Whether such directing of compensation was valid is an aspect that does not fall for consideration as no writ petition was filed against the award, by the State.

On the facts of the case, in the considered view of this court there are no merits in the writ petition. The writ petition is accordingly dismissed. No costs.

Date: 07.09.2004 ----------

Pvsn Justice G.Raghuram

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Industraial Tribunal-cum-Labour Court,
Warangal
2 The Mandal Primary Health Centre, rep. by its Medical Officer,
Chennaraopet, Warangal

3 Two copies to the Government Pleader for Labour, High Court Buildings, Hyderabad. (OUT)

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